

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1634**

**Introduced by Assembly Member Keene**

February 21, 2003

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~~An act to add Section 25210.9d to the Government Code, relating to county service areas. An act relating to public lands.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1634, as amended, Keene. ~~County service areas~~ *Public lands: transfer.*

*Existing law grants the lands formerly comprising General Bidwell State Park to the County of Butte, subject to the conditions, restrictions, and limitations in the indenture by which the land was conveyed to the state, and subject to further conditions that the land be improved and used by the county as a public park, that the county not transfer the land or any part thereof, and that mineral rights in the land be excepted and reserved to the state.*

*Existing law authorizes the county to grant a portion of the land to the City of Chico, subject to the conditions, restrictions, and limitations specified above, except the requirement to improve the land as a public park.*

*This bill would authorize the city to sell or exchange portions of this land under certain specified circumstances and free of conditions, restrictions, or limitations imposed upon the city and its successors under specified statutes.*

~~Existing law authorizes the establishment of county service areas as an alternative method of furnishing extended governmental services in unincorporated areas.~~

~~This bill additionally would authorize the board of supervisors, in its capacity as the governing board of a county service area, to contract with any state or federal agency to finance any improvements relating to any extended services the county is authorized to provide.~~

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1    ~~SECTION 1.—Section 25210.9d is added to the Government~~  
2    *SECTION 1. The Legislature finds and declares the*  
3    *following:*  
4    *(a) The land formerly comprising General Bidwell State Park*  
5    *and granted by the state to Butte County, including a portion*  
6    *subsequently granted by Butte County to the City of Chico, has*  
7    *historically functioned and now functions as a natural floodway*  
8    *known as Lindo Channel.*  
9    *(b) Owners of certain private lands adjoining the channel will*  
10    *suffer hardship if the interests of the City of Chico in the channel,*  
11    *as established in current law, are strictly enforced as to structures*  
12    *or uses on those private lands that abut or encroach onto Lindo*  
13    *Channel.*  
14    *(c) It is the intent of the Legislature to authorize the City of*  
15    *Chico to sell, convey, or exchange portions of Lindo Channel*  
16    *under certain circumstances and free of conditions, restrictions, or*  
17    *limitations imposed under the statutes granting the channel to the*  
18    *county and authorizing the grant of the channel to the city.*  
19    *SEC. 2. (a) The City of Chico may sell, convey, or exchange*  
20    *at fair market value, all of the right, title, and interest held by the*  
21    *city in the land known as Lindo Channel, granted to the County of*  
22    *Butte and its successors by Chapter 73 of the Statutes of 1950, First*  
23    *Extraordinary Session, and to the city by the county under Chapter*  
24    *128 of the Statutes of 1986, if the owner of land adjoining the*  
25    *channel and the city manager and city attorney of the City of Chico*  
26    *agree that one or more of the following circumstances exist on that*  
27    *land and that the sale, conveyance, or exchange is the best manner*  
28    *in which to resolve the matter:*

1     (1) An existing building or other improvement abuts or  
2     encroaches onto the channel, and that building or improvement  
3     was constructed or installed in good faith, without the purpose of  
4     utilizing channel land for private benefit, and removal or  
5     relocation of the building or improvement would impose an  
6     unreasonable burden on the owner, and access to the private land  
7     adjoining the channel by way of passage over channel property is  
8     necessary for, or convenient to, the safe use of the land.

9     (2) An existing building or other improvement encroaches onto  
10    the channel, and that building or improvement was constructed or  
11    installed in good faith, without the purpose of utilizing channel  
12    land for private benefit, and removal or relocation of the building  
13    or improvement would impose an unreasonable burden on the  
14    owner, and the sale, conveyance, or exchange will not reduce or  
15    eliminate public access to the channel at any point designated by  
16    the city for that access.

17    (b) The amount of land sold or conveyed to the owner of land  
18    adjoining Lindo Channel pursuant to subdivision (a) may not  
19    exceed the amount necessary to reasonably alleviate the hardship  
20    to the owner resulting from the building or improvement abutting  
21    or encroaching onto the channel.

22    (c) The amount of land exchanged by the city pursuant to  
23    subdivision (a) may include land to which there is no reasonable  
24    public access, provided the land received by the city is of equal or  
25    greater fair market value to that exchanged.

26    (d) Land sold, conveyed, or exchanged by the City of Chico  
27    pursuant to subdivision (a) shall thereafter be:

28    (1) Free of all conditions, restrictions, and limitations imposed  
29    upon the County of Butte and its successors by Chapter 73 of the  
30    Statutes of 1950, First Extraordinary Session, and upon the city  
31    and its successors under Chapter 128 of the Statutes of 1986.

32    (2) Deemed to be merged with and part of the adjoining land  
33    of the owner who received it.

34    (e) It is the intent of the Legislature that any sale, conveyance,  
35    or exchange pursuant to this section be in accordance with the  
36    conditions, restrictions, and limitations contained in the indenture  
37    described in Section 1 of Chapter 73 of the Statutes of 1950, First  
38    Extraordinary Session, whereby said lands were conveyed to the  
39    state. If it is determined by a court of competent jurisdiction that  
40    the sale, conveyance, or exchange pursuant to this section would

1 *constitute a breach of that indenture, then the provisions of this*  
2 *section shall be inoperative and ineffective as a transfer of title or*  
3 *right of possession as of the effective date of the act enacting this*  
4 *section.*

5 Code, to read:

6 25210.9d. ~~The board of supervisors, in its capacity as the~~  
7 ~~governing board of a county service area, may contract with any~~  
8 ~~state or federal agency to finance any improvements relating to any~~  
9 ~~extended services or miscellaneous extended services the county~~  
10 ~~service area is authorized to provide. If the contract obligates the~~  
11 ~~county service area to repay all or part of any amount so financed,~~  
12 ~~the board may dedicate to the repayment of that debt all or part of~~  
13 ~~the revenue from revenue sources of the county service area~~  
14 ~~established for the support of the authorized service to which the~~  
15 ~~improvement relates.~~

